



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ NINTH FLOOR ■ SACRAMENTO CA ■ 95814-3706 ■ (916) 445-9694

STATE PUBLIC WORKS BOARD

April 11, 2014

MINUTES

PRESENT:

Ms. Eraina Ortega, Chief Deputy Director, Department of Finance
Mr. Esteban Almanza, Chief Deputy Director, Department of General Services
Mr. Malcolm Dougherty, Director, Department of Transportation

CALL TO ORDER AND ROLL CALL:

Ms. Eraina Ortega, Chairperson of the Board called the meeting to order at 10:00 a.m.
Ms. Aurelia Bethea, Executive Assistant for the Board, called the roll. A quorum was established.

MINUTES:

The first order of business was approval and adoption of the minutes from the March 14, 2014 meeting. Mr. Rogers reported that staff had reviewed the minutes and recommended approval and adoption of the minutes.

A motion was made by Mr. Dougherty and seconded by Mr. Almanza to approve and adopt the minutes from the March 14, 2014 meeting. The minutes were approved by a 3-0 vote.

The second item of business before the Board was the Consent Calendar.

CONSENT ITEMS:

Mr. Rogers informed the Board there were 7 Consent Items. In summary, the consent calendar consisted of the following requested actions:

- 2 requests to approve preliminary plans and recognize revised project costs [Items 1, 3]
- 1 request to approve preliminary plans, approve the use of inmate/ward labor, and recognize revised project cost. [Item 2]
- 1 request to recognize revised project costs [Item 4]
- 1 request to establish scope, cost, and schedule [Item 5]
- 1 request to approve performance criteria and concept drawings, and recognize revised project costs [Item 6]
- 1 request to establish scope, cost, and schedule and approve performance criteria and concept drawings [Item 7]

Staff recommended approval of the Consent Calendar consisting of Consent Items 1 through 7.

There were no comments or questions from the Board or the public.

A motion was made by Mr. Almanza and seconded by Mr. Dougherty to approve Consent Items 1 through 7. The Consent Items were approved by a 3-0 vote.

ACTION ITEMS:

Action Item #1 was for the High Speed Rail Authority, Initial Operating Segment, Section 1, in Fresno County, and was to consider site selection of 264 parcels, in full and/or in part, was as noted on the 10-day notice, conditioned by the requirement that no offers to purchase shall be made until any required environmental clearances are made.

Ms. Lukenbill informed the Board that upon further review of the 264 parcels recommended for site selection, it was discovered that a number of the parcels to be acquired within Construction Package 2-3 were in the area of the Hanford Bypass, an area where an alternative alignment was still under consideration. Based on this, staff concluded that site selection south of Construction Package 1C should be deferred until it can be determined which parcels were not part of the Hanford Bypass. Therefore, staff recommended that this site selection request be revised to include only the 144 parcels that comprise Construction Package 1C. These parcels, listed in Exhibit A of Action Item 1 in the section titled SR 41 E American Avenue, are located in Fresno County. There were no alternate alignments under consideration in that area. Mr. Frank Oliveria, Citizens for High Speed Rail Accountability, asked for and received confirmation that none of the parcels included in Hanford Bypass were considered in this action.

There were no further questions from the public or comments from the Board.

A motion was made by Mr. Dougherty and seconded by Mr. Almanza to approve Action Item #1. Action Item #1 was approved by a 3-0 vote.

Action Item #2 was to consider authorizing acquisition of four parcels for the High Speed Rail Authority in Fresno County.

Mr. Rogers reported for the Merced to Fresno segment that was the subject of this requested Board Action, the environmental review process had been completed. The Board approved on November 6, 2012, a resolution to delegate acquisition approval for High Speed Train System acquisitions that conform to a Board-approved standard contract with non-substantive changes. Purchase of the Property included but was not limited to compensation for acquisition of all buildings, site improvements, and certain fixtures, equipment and improvements pertaining to the realty, severance damages by virtue of division of the property being acquired from a larger parcel, loss of business goodwill, loss of rents, and any and all damages of any kind that may result from Authority's intended use and construction of the High Speed Train System. The contract also included a provision for a lease-back to the owner for a portion of the property for a limited period of time, and the ability for the seller to purchase, acquire, and remove any of the fixtures, equipment. Staff recommended approval of the acquisition.

There were no comments or questions from the Board or the public.

A motion was made by Mr. Almanza and seconded by Mr. Dougherty to authorize the acquisition. Action Item #2 was authorized by a 3-0 vote.

Action Item #3, property #2 identified as Independent Development Associates, LLC was pulled from the meeting. Therefore, if approved, Action Item #3 would approve the adoption of Resolutions of Necessity authorizing the use of eminent domain to acquire properties 1 (Bains and Brar), 3 (Nguyen), 4 (Nicks Trucking Incorporated), and 5 (Dhillon) as identified on the meeting notice and agenda.

The acquisition agents delivered formal written offers to each of the owners or interest holders of properties 1, 4, and 5 based on fair market value derived from approved appraisals. However, negotiations to acquire these properties have been unsuccessful. The owner of property 3 cannot be located with reasonable diligence, and therefore a formal written offer could not be delivered. A Notice of Intent Letter regarding this potential Board action to adopt a Resolution of Necessity was timely sent to all the property owners by Board staff. Staff recommended adoption of Resolutions of Necessity authorizing the use of eminent domain to acquire properties in the City of Fresno identified in this item as properties 1, 3, 4 and 5 on the Meeting Notice.

Joann Georgallis, who was acting as Counsel to the Board on these matters presented the Resolution of Necessities. Mr. Dougherty inquired as to the method used to contact the property owners. Ms. Georgallis replied, by going on the internet, using Intelius system, checking court records, and reaching out to neighbors.

There were no further comments or questions from the Board or the public.

A motion was made by Mr. Dougherty and seconded by Mr. Almanza to adopt staff recommendation on Action Item #3. Action Item #3 was adopted by a 3-0 vote.

Action Item #4 was to consider approval of preliminary plans for the California State University, Bakersfield Dore Theatre Seismic Upgrade Project. This item was an action item as that the statute of limitations period related to the Notice of Exemption will not expire until April 25. Staff recommended approving preliminary plans contingent upon expiration of the Notice of Exemption's 35-day statute of limitations period without challenge.

There were no questions or comments from the Board or the public.

A motion was made by Mr. Dougherty and seconded by Mr. Almanza to approve staff recommendations. Action Item #4 was approved by a 3-0 vote.

OTHER BUSINESS:

Other Business Item #1 was to ratify the Board's April 1, 2014 approval of performance criteria for Construction Package 2-3 of the Initial Operating Segment, Section 1, for the High Speed Rail Project. At the April 1, 2014 Board meeting the Board on a 3 – 0 vote approved Construction Package 2-3 of the Initial Operating Segment, Section 1 of the High Speed Rail Train System. Staff recommended ratifying the Board's April 1, 2014 approval of performance criteria for Construction Package 2-3 of the Initial Operating Segment, Section 1.

Mr. Frank Oliveria, chairperson for Citizens for High Speed Rail Accountability, thanked the Board for posting the Performance Criteria on the website for public review.

A motion was made by Mr. Dougherty and seconded by Mr. Almanza to ratify. Other Business Item was approved 3-0.

REPORTABLES:

Mr. Rogers informed the Board there were two Reportables this month:

Department of Forestry and Fire Protection, Replace Communications Facilities, Tulare, Madera, and San Bernardino Counties:

- Approve an augmentation, \$245,800

Department of Corrections and Rehabilitation, California Correctional Institution, Wastewater Treatment Plant Upgrades, Kern County:

- Approve an augmentation, \$153,000

NEXT MEETING:

The next Board meeting is scheduled for Friday, May 9 at 10:00 am in the **State Capitol, Room 113.**

Ms. Ortega asked if there were any comments or questions from the Board or the public. There were none.

The meeting was adjourned at 10:24 a.m.